

Lieutenant Governor Witt introduced Senator Neal, who briefly addressed the Senate.

Senators Hardin, Patton, Berkeley, Stevenson and Purl introduced various visiting representatives of the press.

Adjournment.

On motion of Senator Williamson, the Senate, at 3:05 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts to whom was referred

S. B. No. 172, A bill to be entitled "An Act to reorganize the 4th Judicial District of Texas to be constituted of Rusk county, Texas, only and to provide for the terms thereof, and to create the 123rd Judicial District of Texas to be composed of the counties of Panola and Shelby; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

PATTON, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred S. B. Nos. 14, 102, 228 and 218, recommend that these bills be printed.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 87, A bill to be entitled "An Act to amend Article 2624, Title 49, Chapter 5, of the Revised Civil Statutes of 1925, changing the

name of the College of Industrial Arts to "Texas College for Women" and repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas.

February 9, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin.	Small.
Moore.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Oneal:

S. B. No. 250, A bill to be entitled "An Act providing no motion, suit, action, defense, or appeal of any party to a suit shall hereafter ever

be sustained or maintained in any of the trial or appellate courts of this State on account of any defective citation, or defective issuance, or service, or return of same, unless such motion, suit, action, defense, or appeal is duly verified, showing: That such defect materially affected his rights to maintain his defense or action; and that such defect prevented him from timely presenting his defense or action, and that he had no notice of the suit in time to properly present his defense or action; and that he had a meritorious defense to, or action against the suit which he was prevented from making on account of any such defects, and shall distinctly set out such defense or action; and providing that said motion, suit, action, defense, or appeal may be controverted by the opposing party in such suit; and repealing all laws in conflict with this Act."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 251, A bill to be entitled "An Act to amend Article 405 of the Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on Banks and Banking.

By Senator Greer:

S. B. No. 252, A bill to be entitled "An Act creating a special road law for Henderson County, Texas, requiring surety bonds of road overseers, containing provisions that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation and declaring an emergency."

Read and referred to the Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 253, A bill to be entitled "An Act to create and validate Cameron County Water Control and Improvement District No. 18 in Cameron County, Texas, as a Conservation and Reclamation District; etc., and declaring an emergency."

Read and referred to the Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 254, A bill to be entitled

"An Act ratifying and validating the creation and consolidation proceedings creating San Diego Independent School District of Duval and Jim Wells Counties, Texas, by consolidating San Diego Independent School District of Duval and Jim Wells Counties, Texas, etc., and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Woodward:

S. B. No. 255, A bill to be entitled "An Act amending Article 29 of the Code of Criminal Procedure, so as to provide for the trial of misdemeanors upon complaint, without an information, in counties having no county attorney; declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 256, A bill to be entitled "An Act to amend Article 2701 of the Revised Civil Statutes of the State of Texas, as adopted in 1925, so as to provide for the payment of ex-officio County School Superintendents and expenses of such offices of the available school fund and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Hopkins:

S. B. No. 257, A bill to be entitled "An Act to amend Article 2040, Chapter 3, Title 42, of the Revised Civil Statutes of the State of Texas, relating to process and returns so as to provide additional circumstances under which citations may be served by publication and further provide what such citations by publications shall contain in suits involving land and in other suits and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 258, A bill to be entitled "An Act regulating child labor at certain ages, fixing the hours and time of work, and prescribing ages for work at certain places, and for certain kinds of work, according to the dangers and environment; fixing and limiting the hours of work per day and per week; providing for

the issuance of permits for certain children to be taken out of school, and to work in certain places, and for the displaying and renewal of same; providing exceptions; providing for inspections of places where child labor is used; prescribing the duties of the Bureau of Labor Statistics; requiring reports, records and providing generally for the enforcement of the provisions thereof; prescribing offenses, fines and penalties and punishments, and declaring an emergency."

Read and referred to the Committee on Labor.

By Senator Beck:

S. B. No. 259, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two year period beginning September 1, 1931, and ending August 31, 1933, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Read and referred to the Committee on Finance.

By Senator Williamson.

S. B. No. 260, A bill to be entitled "An Act to amend Article 4469, Title 71, Chapter 3 of the Revised Civil Statutes, of the State of Texas 1925, providing for the registration and registration fee of Importers and Manufacturers of Foods and Drugs, and defining Manufacturers and Importers; and declaring an emergency."

Read and referred to the Committee on Public Health.

By Senator Rawlings:

S. B. No. 261, A bill to be entitled "An Act to amend Article 768 of the Code of Criminal Procedure of the State of Texas of 1925, vesting in Trial Judges discretionary authority to credit defendants in criminal cases with time spent in jails awaiting trial; and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

By Senator Neal, and Beck:

S. B. No. 262, A bill to be entitled "An Act validating Common School Districts, Independent School Districts, Consolidated Common School Districts, Consolidated Independent School Districts, County Line School

Districts, Consolidated County Line School Districts, and Rural High School Districts, heretofore laid out and established or attempted to be established by the proper authorities, and heretofore recognized as School Districts; validating all acts of Board or Boards of Trustees in ordering bond elections and levying taxes and issuing bonds of such Districts; validating all acts of County Board of Trustees in rearranging, changing, or subdividing such Districts; validating all orders pertaining thereto; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senators Greer, et al.:

S. B. No. 263, A bill to be entitled "An Act appropriating \$3,000,000.00 per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting the public school interest of rural school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts; attaching conditions, regulations and limitations relative thereto; providing for the assistance to counties employing rural school supervisors, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools which meet the requirements of this Act a term of a certain length; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a county-wide plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, Fortieth Legislature, Regular Session, as amended by the First Called Session of the Forty-first Legislature, providing for the administration of the funds appropriated herein by the State Board of Education and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all monies granted under the provisions of this Act; enacting other provisions necessary and incidental to the pro-

visions of this Act; declaring the rule in event any provisions of this Act is unconstitutional or invalid, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Finance.

By Senators Greer and Thomason:

S. B. No. 264, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Congressional Districts.

By Senator Thomason:

S. B. No. 265, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools in the county and work in cooperation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Oneal:

S. B. No. 266, A bill to be entitled "An Act to amend Article 2021 of the Revised Civil Statutes of Texas, 1925, so as to provide that all citations and notices mentioned in Chapter III of Title 42 of the Revised Civil Statutes of Texas, shall contain the requisites prescribed in Title 42 of the Revised Civil Statutes of Texas, 1925, and provided further, that all such requisites prescribed in said Title 42 of the Revised Civil Statutes of Texas, 1925, as to the requisites, issuance, service, and return of citations shall be directory and not mandatory."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Patton:

S. B. No. 267, A bill to be entitled "An Act establishing an art commission for the State of Texas, providing for appointment of the members

thereof, prescribing their qualifications, and defining the powers and duties of such commission; and declaring an emergency."

Read and referred to the Committee on State Affairs.

By Senator Purl:

S. B. No. 268, A bill to be entitled "An Act defining certain offenses; providing for penalties; defining terms used in this Act; providing for the repeal of conflicting statutes; providing for the separability of the provisions of this Act; enacting all necessary provisions incidental to the general purpose of the Act, and declaring an emergency."

Read and referred to the Committee on Criminal Jurisprudence.

By Senator Martin:

S. B. No. 269, A bill to be entitled "An Act amending Article 5222, Revised Civil Statutes of the State of Texas for 1925, providing for a landlord's lien upon the properties and crops of a tenant for rents and advances; also upon the crops of the tenant where the landlord furnishes everything and the tenant furnishes the labor to make the crop."

Read and referred to the Committee on Civil Jurisprudence.

By Senator Neal:

S. B. No. 270, A bill to be entitled "An Act to amend Article 2696 R. S. 1925 relating to transfers of children of scholastic age; determining the length of time said transfers shall be entitled to attend free school in the receiving district; repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

By Senator Neal:

S. B. No. 271, A bill to be entitled "An Act to provide a method for more definitely and accurately describing and identifying lands assessed for taxation by having maps or plats of such lands prepared and the lands appropriately numbered or designated thereon, and providing a method of paying for same; and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence

By Senator Neal:

S. B. No. 272, A bill to be entitled "An Act making an appropriation for

the benefit of independent and common school districts in the State, which maintain day schools for the blind."

Read and referred to the Committee on Finance.

Senators Excused.

The following Senators were excused for the day on account of important business:

Senator Small, on motion of Senator Hornsby.

Senator Moore, on motion of Senator Rawlings.

Senator Hardin, on motion of Senator Patton.

Resolution Signed.

The Chair, Lieut. Governor Edgar Witt gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

H. C. R. No. 5.

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

February 9, 1931.

To the Senate of Texas:

On February 2, 1931, I appointed the State Board of Veterinary Medical Examiners, and among those appointed was Dr. W. R. Sanderson of Brownwood, Texas. In sending the list up to the Senate for confirmation Dr. Sanderson's initials were erroneously stated to be "W. L." whereas they should have been "W. R."

This is to resubmit to you for confirmation the name of W. R. Sanderson of Brownwood, Texas, as a member of this board in order that this correction may be made.

Please advise me as to your action on this matter.

Respectfully,

R. S. STERLING,
Governor.

Read and referred to the Committee on Governor's Nominations.

Executive Office,
February 6, 1931.

To the Senate of the State of Texas:

I have appointed the following named persons, subject to your con-

firmation, to the offices hereinbelow indicated, namely:

Live Stock Sanitary Commission.

J. A. Whitten of Eldorado, Schleicher County, Texas, reappointed for the next ensuing statutory term.

J. B. Anderson of Marshall, Harrison County, Texas, reappointed for next ensuing statutory term.

John F. Walker of Weimar, Colorado County, Texas, appointed for the next ensuing statutory term.

Fannin State Park Board.

Wallace E. Fowler of Goliad, Goliad County, Texas, reappointed for the next ensuing statutory term.

Ross Hanley of Fannin, Goliad County, Texas, reappointed for the next ensuing statutory term.

Mrs. Genevieve Stevenson of Victoria, Victoria County, Texas, reappointed for the next ensuing statutory term.

Gonzales State Park Board.

Mrs. Kent E. Gardien of Gonzales, Gonzales County, Texas, reappointed for the next ensuing statutory term.

Mrs. B. N. Peck, Jr., of Gonzales, County, Texas, reappointed for the next ensuing statutory term.

Mrs. W. T. Dunning of Gonzales, Gonzales County, Texas, reappointed for the next ensuing statutory term.

San Jacinto State Park Commission.

C. R. Wharton of Houston, Harris County, Texas, reappointed for the next ensuing statutory term.

Chester H. Bryan of Houston, Harris County, Texas, reappointed for the next ensuing statutory term.

Mrs. Earl Amerman of Houston, Harris County, Texas, reappointed for the next ensuing statutory term.

Washington State Park Commission.

Mrs. Arthur Hartman of Brenham, Washington County, Texas, reappointed for the next ensuing statutory term.

Mrs. S. W. Dean of Navasota, Grimes County, Texas, reappointed for the next ensuing statutory term.

Mrs. Wallace Brosig of Navasota, Grimes County, Texas, reappointed for the next ensuing statutory term.

T. A. Low of Brenham, Washing-

ton County, Texas, reappointed for the next ensuing statutory term.

J. J. Marek of Brenham, Washington County, Texas, reappointed for the next ensuing statutory term.

Texas Historical Board.

Tom L. McCullough of Dallas, Dallas County, Texas, reappointed for next ensuing two year statutory term.

Gus A. Amundsen of Galveston, Galveston County, Texas, reappointed for next ensuing two year statutory term.

State Parks Board.

Mrs. Jas. F. Welder of Victoria, Victoria County, Texas, reappointed for next ensuing statutory term.

State Reclamation Engineer.

B. F. Williams of Kaufman County, reappointed for next ensuing statutory term.

Texas Prison Board.

W. A. Paddock of Houston, Harris County, reappointed for the next ensuing statutory term, to succeed himself.

J. B. H. Holderby of Fort Worth, Tarrant County, Texas, reappointed for the next ensuing statutory term, to succeed himself.

Dr. Sidney M. Lister of Houston, Harris County, Texas, appointed for next ensuing statutory term to the place heretofore held by Dr. Holman Taylor, Fort Worth.

State Auditor and Efficiency Expert.

Moore Lynn of Dallas County, reappointed to next ensuing statutory term.

Very truly yours,

R. S. STERLING,
Governor.

Read and referred to the Committee on Governor's Nominations.

Senate Bill No. 48.

On motion of Senator Holbrook, the rule relating to the passage of general bills during the first 60 days of the session was suspended by the following vote:

Yeas—28.

Beck.	Cunningham.
Berkeley.	DeBerry.
Cousins.	Gainer.

Greer.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Neal.
Oneal.
Parr.
Parrish.
Patton.

Poage.
Pollard.
Purl.
Rawlings.
Russek.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Hardin.
Moore.

Small.

The Chair laid before the Senate the following bill:

By Senator Holbrook:

S. B. No. 48, A bill to be entitled "An Act to amend Article 431, Revised Civil Statutes of 1925."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 48 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.
Berkeley.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Neal.
Oneal.

Parr.
Parrish.
Patton.
Poage.
Pollard.
Purl.
Rawlings.
Russek.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

Hardin.
Moore.

Small.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Neal.
Greer.	Oneal.

Parr.	Russek.
Parrish.	Stevenson.
Patton.	Thomason.
Poage.	Williamson.
Pollard.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.

Absent—Excused.

Hardin.	Small.
Moore.	

Senate Bill No. 49.

On motion of Senator Holbrook, the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin.	Small.
Moore.	

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 49, A bill to be entitled "An Act to prevent the loan of trust funds by a state bank, state bank and trust company, or other corporation doing a trust business, to any director, officer or employee thereof, and to provide a penalty therefor."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended, and S. B. No. 49 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Russek.
Loy.	Stevenson.
Martin.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Hardin.	Small.
Moore.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Holbrook.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hardin.	Small.
Moore.	

Senate Bill No. 50.

On motion of Senator Holbrook, S. B. No. 50 was laid on the table subject to call.

Senate Bill No. 87.

On motion of Senator Neal the constitutional rule relating to the passage of general bills during the first 60 days of the session was suspended by the following vote:

Yeas—28.

Beck.	Loy.
Berkeley.	Martin.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Pollard.
Hornsby.	Purl.

Rawlings.	Williamson.
Russek.	Woodruff.
Stevenson.	Woodul.
Thomason.	Woodward.

Absent—Excused.

Hardin.	Small.
Moore.	

The Chair laid before the Senate on its second reading the following bill:

By Senators Neal and Woodruff:
S. B. No. 87, A bill to be entitled "An Act to amend Article 2624, Title 49, Chapter 5, of the Revised Civil Statutes of 1925, changing the name of the College of Industrial Arts to 'Texas College for Women' and repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment by the following vote:

Yeas—15.

Beck.	Poage.
Berkeley.	Pollard.
Hornsby.	Purl.
Neal.	Rawlings.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Nays—10.

Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Loy.
Gainer.	Stevenson.
Greer.	Thomason.

Absent.

Martin.	Williamson.
Russek.	

Absent—Excused.

Hardin.	Small.
Moore.	

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 87 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Gainer.
Berkeley.	Greer.
Cousins.	Holbrook.
Cunningham.	Hopkins.
DeBerry.	Hornsby.

Loy.	Rawlings.
Neal.	Russek.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Williamson.
Patton.	Woodruff.
Poage.	Woodul.
Pollard.	Woodward.
Purl.	

Absent.

Martin.

Absent—Excused.

Hardin.	Small.
Moore.	

Read third time.

Senator Purl sent up the following amendment:

Amend S. B. No. 87 by adding a new section to be called Section 2624A, to read as follows: "Provided that nothing in this Act shall be construed as meaning that the college shall be authorized to change its present policy of teaching Industrial Arts and Vocations."

PURL.

The amendment was read.

Senator Williamson sent up the following substitute:

Amend S. B. No. 87 by adding at the end of Article 2624 the following: "Provided, however, the change herein made shall not be construed to mean a change in the original purpose and scope of the training for which the college was established."

WILLIAMSON.

The substitute was read.

The substitute for the amendment was adopted unanimously.

The amendment as substituted was adopted by the following vote:

Yeas—23.

Berkeley.	Poage.
Cousins.	Pollard.
Cunningham.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Neal.	Williamson.
Oneal.	Woodruff.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Nays—3.

Beck. Holbrook.
Greer.

Absent.

Loy. Martin.

Absent—Excused.

Hardin. Small.
Moore.

The bill was finally passed by the following vote:

Yeas—15.

Beck.	Poage.
Berkeley.	Pollard.
Hornsby.	Purl.
Loy.	Rawlings.
Neal.	Woodruff.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	

Nays—11.

Cousins.	Hopkins.
Cunningham.	Patton.
DeBerry.	Stevenson.
Gainer.	Thomason.
Greer.	Williamson.
Holbrook.	

Absent.

Martin. Russek.

Absent—Excused.

Hardin. Small.
Moore.

H. C. R. No. 13.

The Chair laid before the Senate:
H. C. R. No. 13, Relating to
tariff on petroleum imports.
The resolution was read.

Executive Session.

At 11:40 o'clock, the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room.

Austin, Texas, February 9, 1931.
Hon. Edgar E. Witt, President of the Senate:

We, your Committee on Governor's Nominations, to whom was referred the following nominations of the Governor, beg leave to report that we have considered the appointees recommended by the Governor, and recommend that the appointment of the following named persons for the following named positions be in all things confirmed:

State Board of Water Engineers:
John A. Norris of Austin, Texas, reappointed for the next ensuing statutory term.

State Board of Veterinary Medical Examiner: Mr. W. R. Sanderson, Brownwood, Brown County.

POLLARD, Chairman.

Adopted.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, February 9, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 37, A bill to be entitled "An Act to amend Articles 1083, 1084, 1085 and 1088 of the Code of Criminal Procedure of the State of Texas, Revision of 1925, changing the age of a male delinquent child from seventeen years of age to 18 years of age, the same as a female delinquent child, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Simple Resolution No. 39.

Senator Purl sent up the following resolution:

Whereas, The Hon. James Hamilton Lewis is this day a visitor in the City of Austin, and

Whereas, The Hon. James Hamilton Lewis is a notable and distinguished Democratic Statesman, who was the trusted friend of and leader for President Woodrow Wilson in the Senate of the United States

during the stirring days of the World War, and

Whereas, He is now the United States Senator Elect from the Commonwealth of Illinois, having been elected by an overwhelming majority on the Democratic ticket,

Whereas, He is one of the Nation's most profound students of affairs and one of the ablest orators, and therefore be it

Resolved, That the Hon. James Hamilton Lewis be invited to address the Senate of Texas, and that the President of the Senate appoint a Committee of three to notify this distinguished Statesman and Democrat of the desire of the Senate of Texas to hear him.

CUNNINGHAM,	HOPKINS,
MOORE,	POLLARD,
PURL,	BERKELEY,
DeBERRY,	HORNSBY,
NEAL,	RAWLINGS,
GAINER,	LOY,
ONEAL,	RUSSEK,
WOODWARD,	COUSINS,
GREER,	MARTIN,
PARR,	SMALL,
HARDIN,	STEVENSON,
PATTON,	THOMASON,
PARRISH,	WILLIAMSON,
HOLBROOK,	WOODUL,
POAGE,	WOODRUFF,
BECK,	

Read and adopted.

Committee Appointed.

The Chair appointed Senators Purl, Woodward, and Parrish on the committee provided for in S. R. No. 39.

H. C. R. No. 13.

The question recurred upon the adoption of H. C. R. No. 13.

Senator Holbrook moved to lay the resolution on the table subject to call.

Recess.

On motion of Senator Woodward, the Senate, at 12:05 o'clock recessed until 2:30 o'clock p. m.

After Recess.

The Senate met at 2:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

At Ease.

On motion of Senator Martin, the Senate stood at ease until 3 o'clock p. m.

H. C. R. No. 13.

The question recurred upon the motion to lay H. C. R. No. 13 on the table subject to call.

Senator Woodward received unanimous consent to send up the following amendment:

Amend the resolution by striking out the words "or in lieu thereof an absolute embargo on crude oil and refined products."

BECK,
WOODWARD.

The amendment was read.

Senator Pollard moved to table the amendment. The motion was lost by the following vote:

Yeas—12.

Gainer.	Poage.
Greer.	Pollard.
Loy.	Purl.
Oneal.	Thomason.
Parrish.	Woodruff.
Patton.	Woodul.

Nays—16.

Beck.	Martin.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Rawlings.
DeBerry.	Russek.
Holbrook.	Stevenson.
Hopkins.	Williamson.
Hornsby.	Woodward.

Absent—Excused.

Hardin.	Small.
Moore.	

The amendment was adopted.

Senator Holbrook withdrew his motion to lay the resolution on the table subject to call.

Senator Martin sent up the following amendment:

Amend H. C. R. No. 13 as follows: "Memorialize Congress to create a tariff that will be prohibitive of the importation of cocoanut oil, peanut oil and other vegetable oils."

MARTIN,
STEVENSON.

The amendment was read.

Senator Pollard raised the point of order that the amendment was not germane to the bill.

The Chair overruled the point of order.

Senator Woodward moved to table the amendment. The motion prevailed by the following vote:

Yeas—12.

Berkeley.	Rawlings.
Gainer.	Thomason.
Oneal.	Williamson.
Parrish.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.

Nays—12.

Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Greer.	Parr.
Holbrook.	Pollard.
Hopkins.	Stevenson.

Present—Not Voting.

Neal.	Patton.
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Absent.

Beck.	Russek.
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Absent—Excused.

Hardin.	Small.
Moore.	

The Chair voted "aye."

The resolution as amended was adopted by the following vote:

Yeas—21.

Beck.	Poage.
Berkeley.	Pollard.
Cousins.	Purl.
Gainer.	Rawlings.
Greer.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parrish.	Woodward.
Patton.	

Nays—6

Cunningham.	Hopkins.
DeBerry.	Martin.
Holbrook.	Parr.

Absent.

Russek.

Absent—Excused.

Hardin.	Small.
Moore.	

Reason for Vote.

I vote aye because the manufacturers of the East have always had

tariff advantages, and this is the first opportunity we of the South have had to get some benefits from the tariff.

LOY.

Motion for Joint Session.

On motion of Senator Purl, the Senate voted to request the House for a joint session tomorrow morning at 11 o'clock to hear an address by the Hon. James Hamilton Lewis.

Senate Bill No. 172.

Senator Neal moved to suspend the constitutional rule and take up S. B. No. 172.

Senator Neal withdrew her motion.

Adjournment.

On motion of Senator Williamson, the Senate, at 4:50 o'clock p. m. adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Resolution.

Madam President, Daughters and Friends.

There is no one in all the grand galaxy of notable Americans that so appeals to the imagination and annals of Southland history as the name and glorious achievements of our most revered and beloved Chief-tain, Robert E. Lee. Writers and poets have and will continue to sing his praises in all the future, in all the delights of prose and poetry. It has been very gratifying to note the enthusiastic endorsement of other patriotic organizations, but to none can any honor shown his memory be more dear than to the U. D. C.

Therefore, be it Resolved That this A. S. J. Chapter go on record as heartily endorsing the action of Governor Sterling and the legislative bodies, now in session assembled, for their act in setting aside as a legal holiday in Texas January 19, the birthday of General Robert E. Lee.

MRS. JOHN PRESTON.

The above resolution adopted by
U. D. C., A. S. J. Chapter.

MRS. FORREST MORGAN,
President.

MRS. J. M. REYNOLDS,
Corresponding Secretary.

(From Victoria Daily Advocate,
February 1, 1931.)

By Leopold Morris.

THE ANGEL OF GOLIAD.

The Advocate appeals to Governor Sterling, the Legislature and the Daughters of the Republic of Texas to do something to fittingly perpetuate the memory of "The Angel of Goliad," who, though the wife of an enemy commander, earned the everlasting gratitude of all Texans by her acts of mercy during the revolutionary period.

We first learn of this noble woman at San Patricio, where her pleadings, and those of a priest, saved a number of members of the Johnson and Grant Expedition from execution, including Reuben R. Brown, who was later a colonel in the Confederate Army and for over half a century resided at Velasco. John Henry Brown, referring to this incident in his history nearly 50 years ago, said: "We shall hear more of this angelic lady, whose memory should be sacred in every Texan heart and whose name should be perpetuated in a Texas county before it is too late."

It was at the massacre of Col. J. W. Fannin's men at Goliad, shortly following the disastrous Johnson and Grant Expedition, that this lady came into prominence again by risking her own life to save as many Texans as she could from this cruel fate. And later her kindness to Texans in the dungeons of Matamoras once more proclaimed the nobility of her soul. Yet nearly a hundred years have passed and ungrateful Texas continues forgetful of her memory. But there is in the governor's chair at Austin today a native Texan whose forefathers fought for Texas independence and who knows well the history of our state, and we are relying upon him to take the lead in righting this great wrong. Aside from our own interest as Texans, we as Victorians have a particular pride in desiring to honor the memory of this good woman, for she was

once a resident of Victoria, even if only for a brief time and not by choice. Of her deeds at Goliad, let Dr. Joseph H. Bernard, one of Fannin's men whose life was spared, speak. Says Dr. Barnard, in his cherished diary:-

"I must not omit mention of Senora Alvarez, whose name ought to be perpetuated to the latest times, for her virtues, and whose action contrasted so strangely with that of her countrymen and deserves to be recorded in the annals of this country and treasured in the heart of every Texan. When she arrived at Copano with her husband, who was one of Urrea's officers, Miller and his men had just been taken prisoners; they were tightly bound with cords so as to completely stop the circulation of the blood in their arms, and in this state had been left several hours when she saw them. Her heart was touched at the sight and immediately caused the cords to be removed and refreshments furnished them. She treated them with great kindness, and when, on the morning of the massacre, she learned that the prisoners were to be shot, she so effectually pleaded with Colonel Garay (whose humane feelings so revolted at the order) that with great personal responsibility to himself and at great hazards at thus going counter to the orders of the then all-powerful Santa Anna, resolved to save all that he could; and a few of us, in consequence, were left to tell of that bloody day. Besides those that Colonel Garay saved, she saved others by her connivance with some of the officers who had gone into the fort at night and taken out some, whom she kept concealed until after the massacre. When she saw Dr. Shackelford, a few days after, she burst into tears and exclaimed: 'Why did I not know that you had a son here? I would have saved him at all hazards. * * * This noble woman, it was generally believed, had she known the day before of the order of Santa Anna, she would have informed the prisoners to that effect and aided them in rising on their guard, and, by so making a sudden movement, might have obtained some arms and possibly changed the result. During the time of the massacre she stood in the street, her hair floating, speaking wildly, abus-

ing the Mexican officers, especially Portillo. She appeared most frantic. Colonel Miller informed me that the taking of the arms and overcoming the guard would have occupied but a few minutes, as the prisoners would have acted with desperation, and would also have been aided by Miller's men. Her words were: 'Curse you, Santa Anna! What a disgrace you've brought on the country! * * * She afterwards showed much attention and kindness to the prisoners, frequently sending messages and presents to them from Victoria. After her return to Matamoras she was unwearied in her attention to unfortunate Americans confined there. Later she went to the City of Mexico with her husband. She returned to Matamoras without funds for her support; but found many warm friends among those who heard of and witnessed her extraordinary exertions in relieving the Texas prisoners. It must be remembered that when she came to Texas she could have considered its people only rebels and heretics, the two classes, of all others, most odious to the mind of the pious Mexican; and yet after everything that had occurred to present Texans to her view as the worst and most abandoned of men, she became incessantly engaged in contributing to the relief of their wants and in saving their lives. Her name deserves to be recorded in letters of gold among the angels who have from time to time been commissioned by an overruling and beneficent power to relieve the sorrows and cheer the hearts of men, and who have for that purpose been given the form of helpless woman."

Nor were the intercessions of this good woman for Texans confined to Copano, Goliad and Matamoras, for they extended also to Victoria during her residence of several weeks here. Isaac D. Hamilton escaped badly wounded from the massacre and managed to make his way to within two miles of old Texana with two companions, Cooper and Simpson, who left him there for dead. He was recaptured by the Mexicans, brought to Victoria and sentenced to be shot here, but "The Angel of Goliad" pleaded for him and succeeded in having the sentence of death set aside.

And just who was this merciful

woman? In Dr. Barnard's diary and all other historical accounts she is referred to simply as Mrs. Alvarez, but Harbert Davenport of Brownsville, one of the foremost students of Texas history, has clearly established that her name was Francisca de Alavez, the wife of Captain Don Telesforo Alavez. "The fact that 'Alvarez' is a common Spanish and Mexican name, and 'Alavez' a most uncommon one, sufficiently explains Barnard's error which led the rest of us astray," Mr. Davenport writes the editor. In connection with material gathered for a biography of Fannin, we have for years attempted to more fully establish the identity of this saintly soul and learn something about her descendants, communicating at length with the Mexican authorities and prosecuting our investigations under both names (Alvarez and Alavez), but without result. Our good Brownsville friend also almost despairs of the task, for he informs us: "I shall certainly renew my efforts to confirm her identity and learn her subsequent history, but my new researches will begin in the City of Mexico and will also, I suspect, end there."

But whatever her name, the beautiful and deserving sobriquet of "The Angel of Goliad" is sufficient, and the memories of her deeds, like those of the Unknown Soldier, should live forever in the hearts of all Texans. And what a subject for a sculptor! Only a monument of sublime grandeur, one bearing the inspiring figure of an angel, would do her memory justice. And now that a state or national park is to be established at the scene of the most appalling butchery in the history of the civilized nations, why not erect the monument at its very portals, portraying in enduring stone this Lady of Refuge protecting some of the doomed from the assassins, and thus impress upon all who enter that the sacred ground within would not have been soaked with the blood of Texas heroes if her mercy could have saved them all!

NOTE—Fannin, in obeying the orders of General Sam Houston, issued after the fall of the Alamo, to evacuate the fort at Goliad and retreat to Victoria, was overtaken on the prairie near the present town of Fannin by a greatly super-

ior force under General Jose Urrea the same day he set out from Goliad (Saturday, March 19) after his ammunition wagon broke down. A battle ensued until nightfall and the Mexicans were decisively defeated. But the following day Urrea received heavy reinforcements from San Antonio, including artillery, and the Texans saw further fighting was useless. But Fannin did not want to surrender. "We whipped them off yesterday, and we can do so again today," he declared. But his officers and men voted to capitulate if an honorable surrender could be arranged, and what were believed to be such terms were entered into by Fannin and Urrea (Sunday, March 20). The Texans were taken back to Goliad and confined as prisoners in the fort there, which was placed in charge of Lieut. Col. Jose Nicolas de la Portilla, commander of a regiment of Yucatan Indians, who executed Santa Anna's order for the massacre. Urrea with about 1000 men had continued on from Fannin to Victoria and was in Victoria at the time of the massacre. Colonel Francisco Garay, spoken of by Barnard, was of Greek descent, and Lieut. Col. Jose Juan Holzinger, who acted as interpreter in the negotiations between Fannin and Urrea, was a German and extremely kind to Fannin, who had been wounded in the battle. Some time before retreating from Goliad, Fannin had dispatched Captain Aaron B. King to Refugio to protect a number of families there and later sent Colonel William Ward to King's assistance. King and his company were captured and executed. Ward and his men managed to make their way to Victoria and passed close enough to Fannin to hear the roar of the battle. They found Victoria occupied by Mexicans and after crossing the river south of this city they were captured at Dimmit's Landing (near old Texana), 25 miles east of Victoria, where Fannin had maintained a supply depot. They were marched back to Goliad and massacred with most of the others confined in the fort. Three hundred and ninety men were killed in the massacre, 27 escaped and 29 were spared (not including Miller's men.) Twenty-three of Ward's men escaped

on their retreat from Refugio to Victoria and 29 were captured with Ward, of whom 10 were shot in Victoria. All told 41 men were killed with King in his Refugio expedition. the failure of Ward and King to return to Goliad and Fannin's anxiety for them was the cause of his delay in leaving Goliad in compliance with Houston's order. The massacre occurred on Palm Sunday, March 27. Many of the victims were led to believe when they were marched out to be shot early that morning that they were to be taken to Copano to be sent back to the United States. A large number of the soldiers of Fannin's command were from Georgia, Alabama, Kentucky and Louisiana, but there were recruits from practically every state in the Union and also Canada. Of Texans, there were six companies, and there would have been more except for a dispute between the governing authorities dividing and disgusting the colonists. Both Ward and King and Fannin himself were from Georgia. Dr. Jack Shackelford, one of those spared because he was a surgeon and needed to attend the wounded Mexicans, was captain of the Rex Rovers of Alabama. Says Barnard of Shackelford's feelings at the time of the massacre: "Dr. Shackelford, who sat by my side, suffered perhaps the keenest anguish that the human heart can feel. His company of 'Red Rovers,' that he had brought out and commanded were composed of young men of the first families in his neighborhood—his particular and esteemed friends and besides two of his nephews who had volunteered with him, his eldest son, a talented youth, the pride of his father, the beloved of his company, was there; and all save a trifling remnant, were involved in the bloody butchery. Major Miller and his 70 men, saved by the pleadings of Senora Alavez, were from Tennessee. They reached Copano to aid in the cause of Texas freedom after Fannin's surrender and were captured upon their arrival when their ship became stranded in the shallow waters of the harbor.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Feb. 9, 1931.
Hon. Edgar E. Witt, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 16 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, had Senate Bill No. 39 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, had Senate Bill No. 46 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, had Senate Bill No. 84 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, had Senate Bill No. 148 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, had Senate Bill No. 152 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, had Senate Bill No. 157 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, had Senate Bill No. 158 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 54, A bill to be entitled "An Act amending Articles 921 and 922 of the Code of Criminal Procedure of the State of Texas, relating to the method of determining the issue of insanity after a defendant has been convicted of crime and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the commendation that it do pass and be printed with the following committee amendment, to-wit:

Insert after the word "insane" on line 23 of the original bill the following language, to-wit: "Or the affidavit of not less than three licensed and regularly practicing physicians of the State of Texas."

WOODRUFF, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 41, A bill to be entitled "An Act making it an offense for a person to cohabit with a husband or wife which he has married without the State when such person has living at such time another husband or wife; providing for a penalty and things incidental thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the attached committee amendments Nos. 1 and 2.

WOODRUFF, Vice Chairman.

Committee Amendment No. 1.

Amend H. B. No. 41 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act to amend Article 490 of the Penal Code of the State of Texas, 1925, so as to provide that it shall be the offense of bigamy for any person who has a former wife or husband living to marry another person in the State of Texas or to marry another person out of the State of Texas and thereafter to cohabit with said person within the State of Texas, and declaring an emergency.

Amendment No. 2.

Strike out all below the enacting clause and insert in lieu thereof the following:

Section. 1. That Article 490 of the Penal Code of the State of Texas, 1925, be amended so that said article shall hereafter read as follows:

Article 490. "Any person who has a former wife or husband living who shall marry another person in this State or shall marry another person out of this State and thereafter cohabit with said other person within this State, shall be confined in the penitentiary of the State of Texas for not less than two years and not more than five years.

Sec. 2. The fact that the Court of Criminal Appeals in the case of Hopson vs. State of Texas, reported in 30 S. W. Reported (2nd) 311, has held that a person having a living wife and marrying another person outside of the State of Texas and thereafter co-habiting with the same person within the State of Texas does not constitute bigamy in the State of Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 53, A bill to be entitled "An Act authorizing defendants in felony cases less than capital offenses, upon entering a plea of guilty and with the consent and approval of the court and the State's attorney, to waive the right of a trial by a jury and to be tried by the court; amending Articles 11, 12, and 658 of the Code of Criminal Procedure of the State of Texas so as to make them conform to such right, enacting an article to be known as Article 776a Code of Criminal Procedure, so as to permit the court under certain conditions and in certain cases to suspend the sentence of the defendant, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 40, A bill to be entitled "An Act to amend Article 1434, Chapter 8, Title 17, Penal Code of Texas, 1925, Acts of the First Called Session of the Fortieth Legislature, and amending Article 1435, Chapter 8, Penal Code of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 32, A bill to be entitled "An Act to amend Article 1430, Title 17, Chapter 8, of the Penal Code of the State of Texas, adopted at a

Regular Session of the Thirty-ninth Legislature 1925, being an Act defining the receiving or concealing of stolen property, or property which has been acquired in such a manner that the acquisition comes within the meaning of the term theft by one knowing the same to have been so acquired, and prescribing the punishment for the violation thereof, and providing that no person shall be excused from testifying against persons who violated the provisions of said Article for the reason that such testimony would incriminate such witnesses, and providing that no person required to so testify shall be punishable for acts disclosed by such testimony, and providing that no such person so testifying shall be held in law or in fact to be an ac-

complice when a witness in any such trial."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODRUFF, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 9, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 3.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIAMSON, Chairman.

In Memory
of
Honorable Ben E. Cabell

SIMPLE RESOLUTION NO. 38.

Senator Purl sent up the following resolution:

WHEREAS, The Creator, in his infinite wisdom has seen fit to call from his earthly labors, the Hon. Ben E. Cabell of Dallas; and

WHEREAS, He had served with distinction as Mayor of the City of Dallas and as Sheriff of Dallas County, in which offices he upheld the fine tradition established by his father, a gallant General in the Armies of the Confederacy, who preceded his son as Mayor of the City of Dallas, and

WHEREAS, Mr. Cabell was renowned for his ability and his honor and integrity, and

WHEREAS, The State of Texas and the City and County of Dallas have sustained in his death an irreparable loss; now

THEREFORE, BE IT RESOLVED by the Senate of the State of Texas, that we deplore the death of this honorable and admirable public servant, and that we extend to the members of his family and to his friends our deepest sympathy, and

BE IT FURTHER RESOLVED, that a copy of this resolution under the seal of the Chief Clerk, be spread upon the minutes of today's Journal, a copy to be mailed to Lt. C. R. Cabell, of the U. S. Army, at Ft. Sam Houston, Texas, and to Ben E. Cabell, Jr., of Dallas, and to Earl Cabell of Pine Bluff, Ark., and that a copy be sent to the Honorable Mayor of the City of Dallas, and that when the Senate adjourns today they do so in the memory of this distinguished citizen.

RAWLINGS,
WOODWARD,
STEVENSON,
GREER,
PURL,
HORNSBY,
WILLIAMSON,
LOY,
POAGE.

Read and adopted unanimously by a rising vote.